

FINAL DISCLOSURE

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involvement in the assassination of Kennedy, we had an obligation to investigate.

Since I had served as assistant counsel with the Warren Commission, I removed myself from the direct responsibility for any investigation pertaining to the assassination. I turned this area over to Senior Counsel Robert B. Olsen.

The vehicle used to gain publicity by assassination sensation-
 alists was the film taken by amateur photographer Abraham Zapruder. One person misinterpreting that film was Robert Grodin. He alleged CIA conspiracy in the assassination, and he sought, and received, an opportunity to testify before the Rockefeller Commission staff. Later he testified before the House Assassinations Committee.

Grodin came to the commission offices with his copy of the film, which was not nearly as clear a copy of the original Zapruder film as was available to the Warren Commission in the initial stage of its investigation. (Ultimately, the Warren Commission obtained the original print.)

Grodin asserted that at frame 413 and at frames 454-78, one could see "assassins" bearing rifles in the area of the grassy knoll.

As the film was run several times, Grodin's comments became more and more ludicrous. Grodin would yell out, "There's the rifle," or, "There's the gunman." Yet no rifle or gunman could be seen. It was as if Grodin were seeing a Rorschach ink blot and interpreting what he saw. Grodin claimed, for instance, that on frames 412, 413, and 414, which have tree foliage in the background, there is a shape that looks like a German army helmet of World War II vintage. However, on frames 411 and 415, the contours of the shadows are entirely different, and there is no resemblance to any German helmet or human head or anything else of that kind.

The Zapruder camera ran at a speed of one-eighteenth of a second per frame. To believe Grodin, you would have to assume that between frame 411 and frame 415, elapsed time of about a quarter of a second, there was a shape of a head with a helmet on it that appeared and then disappeared. Obviously, any human

head would not appear or disappear within only one-quarter of a second. This is apart from the fact that anyone wanting to kill the president would surely not be wearing an army-type helmet to call attention to himself in a public area in Dallas.

Grodin then claimed that in frame 413 alone you could see the shape of a rifle. This required the rifle to appear and disappear within one-eighteenth of a second. It required great imagination to see a rifle in frame 413.

Rather than rely on the sheer illogic of Grodin's assertions, Olsen wanted independent, expert photographic analysis. He went to the FBI lab and consulted with one of the top photographic experts in the country, Lyndal Shaneyfelt. On the basis of the extensive photographic work done as a part of the overall Warren Commission investigation, Shaneyfelt determined that Abraham Zapruder was standing on a concrete wall four feet two inches above the ground.

Based on the Zapruder film and other photographic material, Shaneyfelt concluded, with the aid of reports from the FBI lab, that the tree where Grodin claimed there was a rifle at frame 413 and where Grodin claimed there was a human head with a German-type army helmet from frames 412 to 414 was only between six and six and a half feet high. Moreover, that tree was barren of any branches or leaves to a height of about four feet to four and a half feet above the ground, and its foliage was only two feet high and four feet wide, its trunk was only a few inches in diameter, and it was actually located about five feet directly in front of Zapruder's legs. This was the only tree in the immediate vicinity. A human head, with or without a helmet, would have occupied about one-half of the total area of the frame. The nearness of the small ornamental tree had made it appear as a large tree with large foliage in the Zapruder film.

To say the least, an assassin would be unlikely to hide himself in a tree five feet away from Zapruder, a tree only six or six and a half feet high, and one that left his whole person exposed to hundreds of people in the Dealey Plaza vicinity.

Similarly, we were able to determine that frames 454 through

478 of the Zapruder film did not reveal the existence of any human being or an assassin with a rifle or other weapon, as alleged by Grodin. Rather, what Grodin asserted was a rifleman (and at a speed of eighteen frames a second could be seen for only about one and a third seconds) was "clump-type shrubbery" in the background.

Grodin, of course, has given before audiences in colleges across the country, and on television programs, the same kind of commentary he gave Olsen at the Rockefeller Commission offices. He shows the Zapruder film, then flashes on the screen an enlargement of the foliage and points out what he thinks is the shape of a human head, but wholly fails to point out the fact that the tree was only six or six and a half feet tall, just as he wholly fails to point out that it is rather implausible for there to be a rifle in one frame that disappears in the next frame, one-eighth of a second later.

One aspect of Grodin's presentation would seem to pose a valid common-sense objection to the Warren Commission conclusion that no shots struck the president from the front. When you examine the film, you immediately notice that the president's head appears to move violently backward when the fatal shot strikes. Is this not evidence that the fatal shot that struck the president must have come from the front?

This is a logical question that of course I asked when I served with the Warren Commission.

The only way it could be accurately answered was to examine the physical evidence, especially the photographs and X rays taken at the time of the autopsy of Kennedy and the two large ballistically identifiable bullet fragments found in the presidential limousine, which undoubtedly came from the fatal shot.

Olsen wanted permission to gather independent medical experts to review these photographs and X rays to determine whether there was evidence to corroborate the claims of people alleging CIA complicity in the assassination.

He assembled an outstanding group. First, Olsen selected Werner U. Spitz, chief medical examiner of Wayne County, Detroit,

Michigan. He was an expert from a city notorious for having more murders than any other major city in the country. Because a major portion of the evidence involved the X rays, Olsen picked an outstanding radiologist, Fred J. Hodges III, professor of radiology at The Johns Hopkins School of Medicine in Baltimore.

To round out the panel, Olsen picked experts familiar with bullet wounds and reactions to wounds: Lt. Col. Robert R. McMeekin, chief of the division of aerospace pathology of the Armed Forces Institute of Pathology in Washington; Richard Lindenberg, director of neuropathology and legal medicine from the Maryland Department of Mental Health; and Alfred G. Olivier, director of the Department of Biophysics at the Biomedical Laboratories of Edgewood Arsenal at the Aberdeen Proving Grounds in Maryland.*

The panel met at the National Archives in Washington, where the evidence of the assassination is located. I attended that meeting and for the first time saw what had never been seen before by any lawyer serving with the Warren Commission—the actual photographs and X rays taken of the autopsy of Kennedy.

The panel was unanimous in concluding that there was no medical evidence of any bullets striking Kennedy except from the rear.

Meanwhile Grodin and other assassination sensationalists were aggressively promoting on college campuses their false thesis that the Zapruder film proved there was a shot fired from the front. The copies of the film shown were not nearly as clear as the original print, which was owned by Time, Inc. From sources inside the Time organization, I learned that the Zapruder film was becoming

*Dr. McMeekin is a forensic pathologist who had done extensive studies in the field of accident reconstruction, utilizing computer-assisted analysis of the reactions of human body components to the application of various forces. Dr. Lindenberg is a prominent authority in the field of neuropathology; that is, the pathology of the brain and nervous system. Dr. Spitz is a forensic pathologist who has had extensive experience with gunshot wounds and is an editor of a textbook on forensic pathology. Dr. Hodges is a specialist in radiology and surgery associated with the brain and nervous system. In 1973-74 he served as president of the American Society of Neuroradiology. Dr. Olivier has conducted numerous experiments to study the effects on animals and humans of penetrating wounds from high-velocity bullets. Drs. Spitz, Lindenberg, and Hodges hold faculty positions in the Medical Schools of Wayne State University, the University of Maryland, and The Johns Hopkins University, respectively.

a "hot potato" and they wanted to get rid of it. One would have thought that the most logical thing to do would be to have donated the film to the National Archives, which would not only have made it available for scholars in years to come but would also have given the corporation a tax deduction. However, someone inside the organization—and I do not know who—thought that the best way to get rid of the "hot potato" was to give it back to the Zapruder family, from whom it had been purchased for approximately \$150,000. I felt this was fundamentally wrong.

I tracked down the attorney who was handling the matter for *Time*. His name was Kent Smith. We had several conversations in late March and early April, 1975. I pointed out to him why I believed it would be in the public interest to have the Zapruder film and slides donated to the National Archives. I also pointed out why this would be in the interest of the stockholders of the company, since there would be a tax deduction involved.

Nevertheless, *Time*, Inc., steadfastly refused to honor my request. Then I took a different tack. On April 5, 1975, I wrote Mr. Smith and suggested that if they did not want to donate the film and slides to the National Archives, "then as an alternative I suggest that it [*Time*, Inc.] consider selling to a nonprofit, charitable foundation the Zapruder film and slides and assigning all of the corporation's rights. . . ." I suggested that this could be done at a price higher than what had been paid to Abraham Zapruder, and that this would be in the public interest. I also called Mr. Smith and told him that I believed that I could find some charitable foundation that would purchase the film and slides and would then in turn make them available for scholars or in the alternative turn them over to the National Archives.

Finally, *Time* told me that they were "too far down the road" with the Zapruder family and they would not honor any of my requests. I subsequently found out from sources inside *Time* magazine that *Time* sold it back to the Zapruder family for a nominal fee—less than \$1,000.

The person who had actually first contacted Abraham Zapruder after the assassination was Dan Rather, of CBS, who, after finding

Zapruder, took the film and was able to have the processing of the film expedited. In May 1968, when I related to Dan Rather my Zapruder film-*Time* magazine story, he found it hard to believe that *Time*, Inc., had given the film back to the Zapruder family instead of donating it to the National Archives.

Abraham Zapruder fooled not only the general public but also the Warren Commission into thinking that the \$25,000 he turned over to Officer Tippit's widow represented all proceeds he received from *Time*, Inc., for his film. Really, this just represented the downpayment. There was another \$125,000 or more that came to him.

The public would have been far better served if *Time*, Inc., had turned the film over to the National Archives. At the very least, it should have been sold to a nonprofit foundation, one willing to pay a higher price and to make the extremely valuable property available to the National Archives. I asked *Time*, Inc., to consider these alternatives. The corporation refused.

A greater frustration that spring involved public television. As I saw the deception being used by Grodin and his followers, I recalled the equally deceptive Mark Lane and the film he made ten years earlier. That film, though misleading and full of misrepresentations, was effective in reaching millions of people. I thought it should be countered with a film of the vivid firsthand recollections of the key witnesses to the assassination of Kennedy and the murder of Tippit—a film that could be made while the people were still alive.

I called an official of the Public Broadcasting Service (PBS), John Montgomery, who once headed the Iowa Public Broadcasting Network and had moved to Washington to become vice-president of programming of PBS.

I pointed out to him that one major problem confronting the country was lack of confidence in institutions. If the public did not have confidence in the Warren Commission as an institution, the ripple effect could be very broad, I noted.

Montgomery asked me to write a formal letter. On March 18, 1975, I wrote as follows:

*This is
a letter
to the
Warren
Commission
from
the
Zapruder
family
and
the
National
Archives
regarding
the
film
and
slides
of
the
assassination
of
President
Kennedy.*